

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTT PETERSON,

Plaintiff,

V.

MICHAEL CULLEN, et al.,

Defendants.

CASE NO. C05-465JLR

MINUTE ORDER

The following minute order is made by the direction of the court, the Honorable James L. Robart:

The court held a hearing on three pending motions in this case (Dkt. ## 18, 31, 34). The following memorializes the court's oral rulings.

The court GRANTS the Defendants' motions to set aside the entries of default (Dkt. ## 18, 34). As such, the court STRIKES as moot Plaintiff's motion for default judgment against Defendant Michael Cullen (Dkt. # 31). Based on the delay in the proceedings caused by Mr. Cullen's conduct, the court awards Plaintiff his attorneys' fees and costs associated with bringing the motions for default and default judgment. To that end, the court DIRECTS Plaintiff to file an application for his fees and costs, from which the court will issue a reasonable award.

The court strongly cautions the parties to comply with the standard of practice expected in federal court, which includes reading the local and federal rules, particularly in regards to proper submissions to the court. The court urges the parties to focus on finding a fair and early resolution to this dispute, beginning with cooperation in

1 submitting a Joint Status Report, due no later than close of business on April 21, 2006.
2 The court invites Plaintiff to file a properly noted motion for a preliminary injunction if
3 his primary concern remains the alleged continued use of copyrighted material.

4 Finally, the court notes that it has received an Answer filed by Defendants All
5 County Evictions, Inc., and Thomas and Patti Joehnck, husband and wife (collectively,
6 the “Joehnck Defendants”) (Dkt. # 19). Because the court has set aside the clerk’s entry
7 of default in this matter, the court considers the Joehnck Defendants’ Answer as a timely
8 submission. The court also notes that Mr. Cullen timely served his original answer on
9 Plaintiff on behalf of all Defendants, which he has now filed with the court as an exhibit
10 to his declaration filed in support of his motion to set aside default (Dkt. # 38, Exhibit 1).
11 At this time, the court directs Mr. Cullen to electronically file his answer no later than
12 Monday, April 17, 2006. Mr. Cullen need not request leave of the court to amend his
13 answer to remove the names of the Joehnck Defendants whom he no longer represents.

14 Filed and entered this 12th day of April, 2006.

15 BRUCE RIFKIN, Clerk

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17 By s/Mary Duett
18 Deputy Clerk

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